

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARYGRACE A. CONEFF, <i>et al.</i> ,)	
)	CASE NO. C06-0944RSM
Plaintiffs,)	
)	ORDER DENYING MOTION TO
v.)	WITHDRAW PLEADINGS
)	
AT&T CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

This matter comes before the Court on plaintiffs' Motion to Withdraw Pleadings. (Dkt. #74). Plaintiffs ask the Court to withdraw and delete from Court records Dkts. #17, #18, #30, #31, #32, #33 and #34 pursuant to Federal Rule of Civil Procedure 12(f). Defendants oppose the motion. (Dkt. #80). Having reviewed plaintiffs' motion, defendants' opposition, plaintiffs' reply, and the remainder of the record, the Court hereby finds and ORDERS:

(1) Plaintiffs' Motion to Withdraw Pleadings (Dkt. #74) is DENIED. Plaintiffs ask this Court to strike from the record the Coneff plaintiffs' previous motion to strike plaintiff Gilker's motion and the Coneff plaintiffs' opposition to plaintiff Gilker's motion, as well as the declarations supporting the motion and opposition. Federal Rule of Civil Procedure 12(f) provides that "the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." However, a motion or a response to a motion, is not a "pleading" as

1 contemplated by the Federal Rules. *See* Fed.R.Civ.P. 7 (listing the types of pleadings allowed). Thus,
2 “only pleadings are subject to motions to strike” filed pursuant to Rule 12(f). *Sidney-Vinstein v. A.H.*
3 *Robins Co.*, 697 F.2d 880, 885 (9th Cir.1983). Accordingly, the Court finds that plaintiffs’ motion to
4 strike the previous Gilker motion, the opposition to that motion, and the declarations supporting those
5 briefs, is not appropriate.

6 (2) The Clerk shall send a copy of this Order to all counsel of record.

7 DATED this 3rd day of January, 2007.

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9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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